

042004  
13281 U.S. PTO

PATENT  
ATTORNEY DOCKET NO.: 052833-5014-01

22581 U.S. PTO  
10/827300



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**MAIL STOP PATENT APPLICATION**

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

PRIOR APPLICATION: 10/152,773

Examiner: A. Kovacs  
Group Art Unit: 3671

**DIVISIONAL PATENT APPLICATION TRANSMITTAL  
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a [ ] Continuation  Divisional [ ] Continuation-in-Part patent application under 37 C.F.R. § 1.53(b), of pending prior application no. 10/152,773, filed on May 23, 2002, of:

Inventors: **Christopher M. OSBORNE and Dean E. HARTLEY**

For: **VARIABLE MULCHING SYSTEM FOR A LAWNMOWER**

2. The papers enclosed are as follows:

16 Pages of Specification including:  

0	Title Page
9	Page(s) of Description
6	Page(s) of Claim(s)
1	Page of Abstract
8	Sheet(s) of drawings containing <u>9</u> Figure(s)

Revised 12/16/03

3. Amendments

- A preliminary amendment is enclosed. Please enter this preliminary amendment before calculating the filing fee.
- Relate Back: The Preliminary Amendment identified above amends the specification to include cross-references to prior related applications.

4. Oath or Declaration

- A newly executed (original or copy) oath or declaration is enclosed.
- A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- Not Enclosed. This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration.
- A signed statement deleting inventor(s) named in the prior application is enclosed.

5. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

- Priority of the following foreign application(s) is/are claimed:

Country	Application No.	Filed

Certified copy(ies):  is/are attached.  
 will follow.  
 was/were filed in prior U.S. Application No. \_\_\_\_\_ on \_\_\_\_\_.

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## 6. Assignment

- A prior application is assigned of record to Honda Giken Kogyo Kabushiki Kaisha, recorded May 23, 2002, at Reel/Frame 012923-0370.
- The prior application is not assigned.

For continuation-in-part applications:

- An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

## 7. Small Entity Status

- Small entity status under 37 C.F.R. § 1.27 is hereby asserted for the present application.

## 8. Fee Calculation (37 C.F.R. § 1.16)

	Number Filed	Number Extra	at Rate of	Basic Fee
				Utility \$770.00 Design \$385.00
			BASIC FEE	\$770.00
Total Claims (37 C.F.R. §1.16(c))	13 - 20 =	0	\$18.00	\$0.00
Independent Claims (37 C.F.R. §1.16(b))	1 - 3 =	0	\$86.00	\$0.00
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			\$290.00	\$0.00
			SUB-TOTAL =	\$770.00
			Reduction by 1/2 for filing by a small entity	\$0.00
			TOTAL FILING FEE =	\$770.00

9. Fee Payment

- Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.** This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for paying the filing fees.
- Authorization is hereby given to charge Deposit Account No. 50-0310 in the amount of \$770.00 for the application fee.

10.  The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at  
**Customer Number: 009629**

11.  Recognize as associate attorney \_\_\_\_\_.  
(name, address, and registration no.)

12.  **PETITION FOR EXTENSION OF TIME.** If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 10/152,773 filed on May 23, 2002, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.

13.  EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

14. Additional papers enclosed:

- Preliminary Amendment
- Information Disclosure Statement
- Form PTO-1449, references cited thereon not included
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- Other:

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Date: April 20, 2004

By: Mary Jane Boswell  
Mary Jane Boswell  
Registration No. 33,652

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MJB/DEC/fdb